

FST-FA04021276-S

:SUPERIOR COURT

NOWACKI, SUZANNE

:J.D. STAMFORD/NORWALK

V.

:AT STAMFORD

NOWACKI, MICHAEL

:NOVEMBER 2, 2009

B E F O R E:

THE HONORABLE MARYLOUISE SCHOFIELD, JUDGE

A P P E A R A N C E S:

KEVIN COLLINS

FOR THE PLAINTIFF

MICHAEL NOWACKI

PRO SE

VERONICA REICH

ATTORNEY FOR THE MINOR CHILDREN

Court Recording Monitor:

Lynda Scott

1 *[Calendar call 9:40:26]*

2 THE COURT: Nowacki versus Nowacki.

3 MS. REICH: Ready, Your Honor.

4 MR. COLLINS: Ready, Your Honor.

5 MR. NOWACKI: Your Honor, I have asked for a
6 continuance this morning. My daughter had a
7 102.7 fever on Saturday. I am running myself a
8 101.5 fever this morning. My daughter, I
9 believe, has a virus. I requested a continuance
10 last evening.

11 THE COURT: All right. We'll take it up.

12 MR. NOWACKI: Last evening, I requested a
13 continuance on this matter --

14 THE COURT: Mr. Nowacki, I'll address it as
15 soon as I finish the call.

16 MR. NOWACKI: Thank you.

17

18 *[Matter passed. Matter recalled 9:45:37]*

19

20 THE COURT: Nowacki versus Nowacki. Mr.
21 Nowacki, I'll address you at the conclusion of
22 the call.

23

24 *[Matter passed. Matter recalled 10:02:21]*

25

26 THE COURT: Mr. Nowacki. Mr. Collins. Who
27 else is there?

1 MR. COLLINS: Attorney Reich, Your Honor.

2 THE COURT: This is motion -- what motions?
3 This is calling Suzanne Nowacki versus Michael
4 Nowacki.

5 MS. REICH: Yes, Your Honor. It's my motion
6 for order regarding -- excuse me, regarding a
7 psychological evaluation. And I can give the
8 Court the motion number in just a moment. I
9 believe it is 215. Yes. Your Honor, 215.

10 THE COURT: Thank you. Parties please
11 identify themselves for the record.

12 MR. COLLINS: Your Honor, Attorney Kevin
13 Collins for the plaintiff, Suzanne Nowacki.

14 MS. REICH: I'm Veronica Reich, Your Honor.
15 I'm the attorney for the minor children, Tim
16 Nowacki and Kerry [phonetic] Nowacki.

17 THE COURT: Mr. Nowacki.

18 MR. NOWACKI: And Mr. Nowacki, pro se. And
19 feeling worse by the minute.

20 THE COURT: So you want to argue this
21 motion, Mr. Nowacki?

22 MR. NOWACKI: Ma'am, I need to go to the
23 doctor. All right. My daughter --

24 THE COURT: I asked you a simple question.
25 Do you want to argue this motion or do you want
26 it to be continued because you're ill?

27 MR. NOWACKI: I am ill, Your Honor. And I

1 filed this motion for a continuance this morning.

2 THE COURT: Okay.

3 MR. NOWACKI: You cannot hear -- have this
4 motion heard when I'm sick.

5 MR. COLLINS: Your Honor, I think the Court
6 needs to hear from Attorney Reich. She has some
7 very, I think, critical issues which -- this is
8 another opportunity for Mr. Nowacki to torture
9 and taunt everyone in this case. That's really
10 what he is doing. And I think Ms. Reich needs to
11 be heard on it.

12 THE COURT: Okay. Ms. Reich.

13 MS. REICH: Your Honor, I will make this as
14 brief as I possibly can, Your Honor.

15 I was appointed by Judge Malone in this
16 matter in early July. And the order regarding my
17 appointment specifically said that the Court will
18 deal with the request for a psychological
19 evaluation, which was actually filed by Attorney
20 Collins, to be determined after I met with my
21 clients and the parties and I report to the
22 Court.

23 THE COURT: Okay. So this is --

24 MS. REICH: That's been done. And I can
25 make a somewhat more detailed report to the Court
26 and I'll be glad to do that.

27 But in the interests of time, Your Honor, I

1 could jump to the conclusion. And I feel that it
2 is very important for there to be a psychological
3 evaluation done in this matter.

4 MR. NOWACKI: Your Honor, if I can --

5 MS. REICH: I can elaborate if the Court
6 wishes me to do so. When the Court decides
7 whether or not Your Honor wishes further argument
8 done, that issue -- I just want to point out that
9 there is one other issue that I need to bring up
10 to the Court. It concerns Mr. Nowacki and phone
11 calls and actions that he has taken vis-à-vis me
12 and my firm.

13 But that has nothing to do with the
14 psychological evaluation request.

15 MR. NOWACKI: Yes, it does, Your Honor.

16 THE COURT: Is everybody going to be here
17 next Monday? Can you be here, Attorney Reich?

18 MS. REICH: [Indiscernible]

19 MR. NOWACKI: I sure can.

20 MR. COLLINS: Your Honor, I need to speak
21 up. I think Attorney Reich needs to be heard on
22 a possible cease and desist order.

23 THE COURT: Well, I understand that. But
24 Mr. --

25 MR. COLLINS: On a cease and desist.

26 THE COURT: I understand that also.

27 MR. NOWACKI: Your Honor, I would like to

1 say that there was an action for grievance filed
2 against Attorney Collins two weeks ago. On
3 matters where he has put information in front of
4 this Court to mislead this Court and has violated
5 his professional code of ethics.

6 THE COURT: Mr. Nowacki, there's nothing
7 before the Court today on that matter.

8 MR. NOWACKI: Well, they're making points,
9 etcetera. That's not on the record as well.

10 THE COURT: Mr. Nowacki, you're the one that
11 wanted to leave and is feeling terrible by the
12 moment.

13 MR. NOWACKI: And I would like to leave.

14 THE COURT: I'm trying to get you out of
15 here.

16 MR. NOWACKI: Thank you.

17 THE COURT: So keep your mouth shut. Ms.
18 Reich, can you be here next Monday.

19 MS. REICH: I can.

20 THE COURT: Then we'll be here next Monday.
21 I'll hear the cease and desist. There will be no
22 further continuances whatsoever. Okay.

23 MR. COLLINS: Thank you, Your Honor.

24 MS. REICH: Thank you, Your Honor.

25 THE COURT: And there are to be, Mr.
26 Nowacki, no further phone calls or anything
27 directed to Attorney Reich until this matter is

1 heard.

2 MS. REICH: Or to my firm or e-mails, Your
3 Honor.

4 THE COURT: Or to your firm. Or whatever.

5 MS. REICH: Thank you, Your Honor.

6 MR. COLLINS: Your Honor, may I ask the
7 same? Because the same thing's going on.

8 THE COURT: There are to be no personal
9 phone calls to either one of the attorneys of the
10 parties.

11 MR. COLLINS: Well, I've already made it
12 that Mr. Nowacki cannot call myself or my firm.
13 I'd ask that I'd receive no e-mails from him
14 inasmuch as this is now an opportunity for him to
15 use the next week to torture everybody.

16 He's filed grievances against Mr. Collin,
17 myself, Judge Malone -- not Judge Malone yet.
18 Judge Shay. Veronica Reich, it's in the works.
19 He's out of his ever-loving mind.

20 MS. REICH: Well, Your Honor --

21 MR. COLLINS: So I just need not to hear
22 from him until we get back next week.

23 MR. NOWACKI: Your Honor, that's a
24 disparaging comment that's uncalled for.

25 THE COURT: That will be stricken from the
26 record.

27 MR. NOWACKI: Thank you, Your Honor.

1 THE COURT: Okay. Did you file --

2 MR. COLLINS: There will --

3 THE COURT: -- your continuance?

4 MR. COLLINS: -- no e-mails, Your Honor?

5 THE COURT: There will be no communication
6 between any of the parties until you are all back
7 in this Court next Monday.

8 MR. COLLINS: Thank you, Your Honor.

9 MS. REICH: Thank you, Your Honor.

10 MR. NOWACKI: Your Honor, there's certain
11 evidence that was given to Attorney Reich.

12 THE COURT: Oh, Mr. Nowacki. Are you sick
13 or are you not sick?

14 MR. NOWACKI: I'm going.

15 THE COURT: Go.

16 MS. REICH: I'll give you that afterwards,
17 Mr. Nowacki.

18 MR. NOWACKI: Thank you.

19

20 *[Matter passed. Matter recalled 2:25:54]*

21

22 THE COURT: Nowacki versus Nowacki.

23 MR. COLLINS: Your Honor, good afternoon.

24 For the record, Attorney Kevin Collins for the
25 plaintiff, Suzanne Nowacki, now known as Suzanne
26 Sullivan.

27 Your Honor will recall we were here this

1 morning on the motion for a psychological or
2 psychiatric evaluation of the parties. Judge
3 Malone, by prior order of this Court, ordered
4 that the issue be left to the AMC once she was
5 appointed, Attorney Veronica Reich, until after
6 she met with the children and the parties, as she
7 iterated on the record this morning.

8 That was done. We were to proceed on the
9 motion this morning. Starting yesterday, Mr.
10 Nowacki indicated that because the child was sick
11 with the flu over the weekend, that it should be
12 continued, it should be continued.

13 But the reality was is that because of their
14 arrangement, the child is with the mother today
15 and for the entire week and there was no real
16 need for Mr. Nowacki not to be able to come here
17 today. Even though he indicated that he was
18 trying to get a doctor's appointment for the
19 child which he allegedly got at 11:15 this
20 morning. The child's doing fine.

21 Mr. Nowacki's notification that he was
22 feeling sick to my recollection came this morning
23 and he made that from the back of the Court, he
24 made that to the Court from defense tables.

25 It's come to my attention, however, that
26 since we were here instead of going home to
27 recuperate, he's apparently been at the offices

1 of Nusbaum & Parrino apparently reviewing or
2 getting copies of, his old file. He was
3 represented by Attorney Parrino at the time of
4 the dissolution back in 2005.

5 Inasmuch as at my request, the Court asked
6 that -- the Court ordered that there be no
7 contact between the parties, I asked my client to
8 -- not the parties, but counsel and Mr. Nowacki.
9 I asked my client to notify him that he was
10 coming here at two o'clock.

11 I would like to read into the record his
12 response to my client to the information I was
13 coming here. And this is his response as
14 forwarded by my client to me.

15 I have a prescription for Temaflu
16 [phonetic].

17 The appointment at Parrino was giving copies
18 to an assistant to have them make copies from
19 Parrino's file which had to be ordered up last
20 week. And it was necessary for me to pick up the
21 materials as it relates to the misstatements.

22 The Judge was well aware of the appointment
23 with Kerry and the appointment with Westfall
24 [phonetic] and the prescription he gave is
25 evidence for the Court.

26 You can call Doctor Westfall's office who
27 provided a prescription and also reported a

1 slightly less elevated temperature than the one
2 at home. I am going home to bed.

3 This is as of about 1:44 -- 1:44. I will
4 bring a copy of the Fedex Kinko's bill to show
5 that I outsourced the copying.

6 He will just underscore his devious
7 misrepresentations -- that is a reference to me.
8 They were told of the exposure to illness and
9 they were fine. They couldn't hold on to the
10 files. Kevin Collins continues to misrepresent.

11 Your Honor, I believe that Mr. Nowacki
12 misrepresented his condition. I would
13 respectfully request that this case cries out for
14 a determination on the motion for psychological
15 or psychiatric examinations.

16 I think that Mr. Nowacki has misrepresented
17 to the Court his medical condition because I
18 think it was reasonably inferred that he was
19 sick. And he had to go home and get well.

20 THE COURT: That's correct.

21 MR. COLLINS: I would respectfully request
22 that the Court enter an order ordering counsel
23 and Mr. Nowacki be heard 9:30 tomorrow morning to
24 address the issue of the psychological
25 evaluations.

26 THE COURT: Are you sure Attorney Reich is
27 available?

1 MR. COLLINS: I don't know that for certain,
2 Your Honor. I can get that information quite
3 quickly. But I think it's important -- every day
4 that goes on it is necessary to get that done in
5 this case. May I ask the Court to enter that
6 order and I will report back to the Court about
7 Attorney Reich?

8 THE COURT: Yes. Please do that. The Court
9 will enter an order that Mr. Nowacki, Attorney
10 Reich and Attorney Kevin Collins should be here
11 tomorrow morning to address the issue that was
12 continued because of Mr. Nowacki's alleged
13 illness.

14 MR. COLLINS: Thank you, Your Honor. And
15 further, may I request that I can notify Mr.
16 Nowacki of this notwithstanding the orders
17 entered this morning?

18 THE COURT: Yes. Notwithstanding these
19 orders, you may e-mail him.

20 MR. COLLINS: Thank you, Your Honor. If
21 there's a problem with Attorney Reich, I will
22 report to the Court.

23 THE COURT: Thank you.

24 MR. COLLINS: Your Honor, thank you for the
25 courtesy.

26 THE COURT: You're welcome.

27 * * *

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C E R T I F I C A T I O N

I hereby certify that the foregoing pages are a true and accurate transcript, to the best of my ability, of the above-entitled matter heard before The Honorable Marylouise Schofield, Judge at the Superior Court in Stamford, Connecticut on November 2, 2009. Dated November 10, 2009 at Stamford, Connecticut.

Lynda Scott

Court Recording Monitor

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